

Notice of Allowability

Application No.

10/722,850

Examiner

Michael Trettel

Applicant(s)

BARBER, JAMES R.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 03/01/04.
2. ☒ The allowed claim(s) is/are 1-50.
3. ☒ The drawings filed on 26 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 03/01/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: the closest prior art found are the cited patents to Stumpf (US 6,131,892) and Stumpf (US 4,451,946). Both patents show the use of overlapped pocketed spring strips that are secured together along a common vertical seam between adjacent pair of springs. In the '892 patent, the means of attachment is a discrete centrally located seam or tack 24 placed at the midpoint of the height of the spring pockets. The tack takes the form of a stylized "S" that lies across the previously formed vertical seams 14 used to form the spring pockets. Therefore the tack does not form a connecting seam that extends along the pocket height and is axially offset from the pocket seams as set forth in claim 1. Stumpf '892 also discloses that the pockets are not formed with a closing weld seam positioned adjacent an end of the pocket as set forth in claim 30, instead Stumpf uses a formed seam 20 that extends along the mid-height of the pocket. As is best shown in Figure 4, Stumpf also discloses that the pocketed strips are joined in units of four springs to form a square array, and as such the resulting assembly lacks the claimed second unattached set of pocketed coil springs set forth in the last clause of claim 40. Stumpf '946 is also deficient in showing all the claimed subject matter. In the '946 patent adjacent strips of pocketed coil springs are joined in a square array of sets of four spring by single unitary vertical seams 20 that extend contiguous with the pocket seams 22 of the adjacent pockets. Each of the pockets are formed by a single unitary vertical seam 22, and thus lacks the axially offset cross seams set forth in claims 1 and 30. Since the '946 patent also uses a square array type arrangement of joined spring strips it lacks the claimed second unattached set of pocketed coil springs set forth in the last clause of

Art Unit: 3673

claim 40. Finally, as regards claim 25 neither the '946 patent or the '892 patent suggests overlapping three strips and coupling them together by overlapping plies of material.

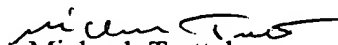
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moser et al, McCune et al, Mossbeck, and Stumpf et al (US 4,523,344) show pocketed spring coil mattresses that are of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Michael Trettel
Primary Examiner
Art Unit 3673